

REMARKS

Claims 1, 3, 5-12, 18, 21, 24 and 25 are pending in this application. By this Amendment, claims 1 and 24 are amended to more fully distinguish the invention of the claims over the prior art references cited against these claims. Claims 2, 4, 13-17, 19, 20, 22 and 23 are canceled. Claims 5-8 are amended to change their dependencies from canceled claim 4 to pending claim 1. Claim 10 is amended to be dependent from claim 1.

No new matter is added by this amendment. Support for the language added to claims 1 and 24 is found in the original specification. In particular, support for the language added to the claims is found in original claim 2.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments incorporate subject matter from a canceled claim; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Examiner interview and the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicants' representative by Examiners Casiano and Gaffin at the interview held January 31, 2005, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

I. Rejections under 35 U.S.C. §103(a)

Claims 1-25 are rejection under 35 U.S.C. §103(a) over U.S. Patent No. 6,219,697 (hereinafter "Lawande") in view of U.S. Patent No. 6,108,718 (hereinafter "Fujimori") and further in view of U.S. Patent No. 5,724,517 (hereinafter "Cook").

Claims 4-9, 13, 16, 19 and 22 were rejected under 35 U.S.C. §103(a) over Lawande in view of Fujimori and further in view of U.S. Patent No. 6,304,553 (hereinafter "Gehman").

These rejections are respectfully traversed.

As acknowledged by the Patent Office during the January 31, 2005 Examiner interview, the cited references of record do not teach that the value of identification information (BT) is different between a packet received before reset and a packet received after reset. That is, the cited references of record fail to teach or suggest that the identification information is a toggle bit that toggles from zero to one or from one to zero when one received packet and the next received packet are packets received within different reset intervals, and wherein the identification information for the one received packet is different than the identification information for the next received packet, as recited in each of claims 1 and 24.

For the foregoing reasons, Applicants submit that claims 1 and 24, as well as the claims dependent therefrom, are not rendered obvious by Lawande, Fujimori, Cook and/or Gehman, in any combination.

Reconsideration and withdrawal of the rejection is thus respectfully requested.

II. Dependency of Claims 18-23

During the January 31 interview, the Examiners continued to incorrectly construe claims 18-23 to be independent claims. The Examiners continued to assert that a fee is owed for payment of the alleged six new independent claims.

Claims 19-20, 22 and 23 are herein canceled. However, with respect to claims 18 and 21, as discussed in the supplemental Amendment filed on June 14, 2004, Applicants submit that claims 18 and 21 are proper dependent claims and thus no additional fees should be due. Each of these claims refers to an earlier claim, thereby depending from and further limiting such claim. If the Examiner disagrees, Applicants respectfully request that the Examiner specifically state what defect, if any, the dependent claims have, or why they should otherwise be construed to be independent claims. In the absence of any reasoning provided by the Patent Office, Applicants submit this statement of the claims as being independent claims should be withdrawn.

During the June 4 Interview, the Examiners cited Ex Parte Adrianus P.M.M. Moelands, 3 USPQ2d 1474 (Bd. Pat. App & Int, 1987) (hereinafter "Adrianus") when alleging that claims 18-23 are properly construed as independent claims.

However, Adrianus supports Applicants' position not the Patent Office's position. In Adrianus, the court states that 35 U.S.C. §112, fourth paragraph initially requires that a dependent claim contain a reference to a claim previously set forth. Here, claims 18 and 21, each contain a reference to a claim previously set forth, and thus comply with this statutory requirement.

Further, each of claims 18 and 21 include a further feature of the subject matter claimed within the meaning of 35 U.S.C. §112, fourth paragraph. The language in 35 U.S.C. §112, fourth paragraph, encompasses the situation presented here, where a dependent claim adds a further feature to what is already set forth in that dependent claim's parent claim or claims. Specifically, each of claims 18 and 21 essentially replicate that which is recited in the respective parent claims and add a further feature to the replication. Claims 18 and 21 are not broader than their parent claims, but further restrict the subject matter thereof by adding

features thereto. No element of any respective parent claim is deleted or replaced by any other element in either of claims 18 and 21.

According to Adrianus, the fourth paragraph of 35 U.S.C. §112 also mandates that a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers. Claims 18 and 21 do include at least every limitation of the claims from which they respectively depend. Furthermore, a device which would infringe the device of claims 18 and 21 would certainly infringe the device of base claim 1.

Again, as discussed above, the Office Action has failed to specifically state what defect, if any, dependent claims 18 and 21 have, or why they should otherwise be construed to be independent claims.

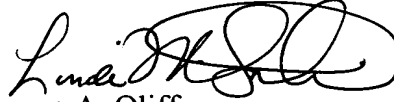
In the absence of any specific reasoning provided by the Patent Office and for the reasons discussed above, Applicants submit that claims 18 and 21 are proper dependent claims.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5-12, 18, 21, 24 and 25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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